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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,031	08/04/1999	LEX S. OLORENSHAW	3188.01/1144	6238

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EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/369,031

Applicant(s)

OLORENSHAW ET AL.

Examiner

David D. Knepper

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: the limitations were already addressed in claims 6 and 30.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 7-29 and 31-50.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: comments attached

David D. Knepper
Primary Examiner
Art Unit: 2654

REMARKS

1. According to the specification, "transforming" includes merge, split, replace or change in context as shown in figure 9. However, none of these particular "transformations" are claimed. Therefore, the claim language is deliberately broad so that it will encompass functional equivalents. The term transformation normally would read on something like a Fourier transform, for example. However, the applicant's use indicates that the claim language would read on any model that defines how phones can go together or be separated rather than how any particular speech based parameters are mathematically calculated. Therefore, the prior art that shows different ways for dividing words into meaningful phones that can be put together in a variety of orders is an obvious example of such language.

The changes in context shown by Kao and explained with the example contexts of a <d> phone and the mapping of one context of phones into a single representation of a phonetic element both encompass the intended meaning under 35 US 112, sixth paragraph.

2. Both Kao and Gillick show how to develop phonetic models for speech recognition and it would have been obvious to combine the two because their teachings are very similar. For example, Kao teaches the use of triphones in col. 3, lines 42-48 and Gillick teaches a similar use of triphones in column 2, lines 47-53. Yet when these teachings are pointed out in rejecting canceled claim 6 (limitation now in claim 1), for example, the applicant inexplicably argues that such a combination of similar elements is not taught.

3. Many examples of the claim elements are provided. The applicant's arguments are not understood because it is not believed that one of ordinary skill in the art would have such difficulty understanding the correspondence.

4. Both Kao and Gillick show transcription symbols (col. 2 and columns 28-29, respectively). Clearly, it would have been obvious to combine such similar elements because they are used for the same purpose in each reference to form models of speech. When this is

pointed out to the applicant, the applicant seems to ignore the teachings for what they represent to one of ordinary skill in the art.

5. The Examiner has given specific examples in rejecting the claims and can find no evidence of taking Official Notice.

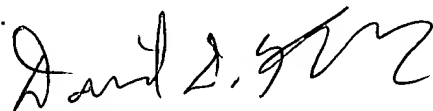
6. The applicant's complaint about the Examiner's reference to a "TIMIT database" is not understood because the applicant has incorporated the SPHINX system by reference on page 8 of the specification. Kai-Fu Lee utilizes the TIMIT database in the SPHINX system. Therefore, the applicant teaches that his invention has a similar relationship as Kao because Kao makes reference to the TIMIT database in column 2 in teaching the known relationship between speech representations and phonetic transcriptions thereof. Thus, it would seem that the applicant is presenting contrary arguments by feigning a lack of understanding between phonetic dictionary and TIMIT while, at the same time, accusing the Examiner of failing to consider the claim terminology in context with the specification as required under 35 USC 112, sixth paragraph.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service at (703) 306-0377.

The facsimile number for TC 2600 is (703) 872-9314.



David D. Knepper
Primary Examiner
Art Unit 2654